

INDUSTRIAL DISPUTES TRIBUNAL

Dispute No.: IDT 26/2022

SETTLEMENT OF DISPUTE

BETWEEN

KASEKA DALEY (t/a Iconic Travel and Events)

AND

ANA-KAYE DAWKINS

AND THE

AWARD

I.D.T. DIVISION



MRS. SHARON ANDERSON	-	CHAIRMAN
MR. ERROL BECKFORD	-	MEMBER
MRS. CHELSIE SHELLIE-VERNON	-	MEMBER

JULY 26, 2023

INDUSTRIAL DISPUTES TRIBUNAL

AWARD

IN RESPECT OF

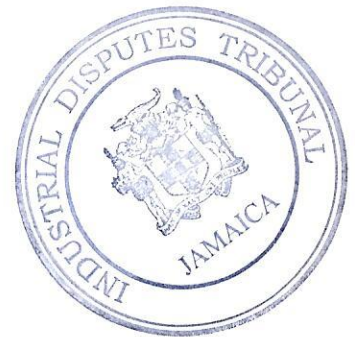
AN INDUSTRIAL DISPUTE

BETWEEN

**KASEKA DALEY (t/a Iconic Travel and Events)
(THE COMPANY)**

AND

**ANNA-KAYE DAWKINS
(THE DISMISSED WORKER)**



REFERENCE:

By letter dated July 22, 2022, the Honourable Minister of Labour and Social Security pursuant to Section 11A(1)(a)(i) of the Labour Relations and Industrial Disputes Act (hereinafter called “the Act”), referred to the Industrial Disputes Tribunal for settlement in accordance with the following Terms of Reference, the industrial dispute described therein:-

The Terms of Reference was as follows:

“To determine and settle the dispute between Iconic Travel and Events on the one hand, and Ana-Kaye Dawkins on the other hand, over the termination of her contract of Employment.”

By letter dated January 31, 2023, the Terms of reference was amended by the Honourable Minister of Labour and Social Security to read as follows:

“To determine and settle the dispute between Kaseka Daley (t/a Iconic Travel and Events) on the one hand, and Ana-Kaye Dawkins on the other hand, over the termination of her Contract of Employment.”

DIVISION:

The Division of the Tribunal which was selected in accordance with Section 8(2) (c) of the Act and which dealt with the matter comprised:

Mrs. Sharon Anderson	-	Chairman
Mr. Errol Beckford	-	Member, Section 8(2) (c) (ii)
Mrs. Chelsie Shellie-Vernon	-	Member, Section 8(2) (c) (iii)

REPRESENTATIVES OF THE PARTIES:

The **Company** was represented by:

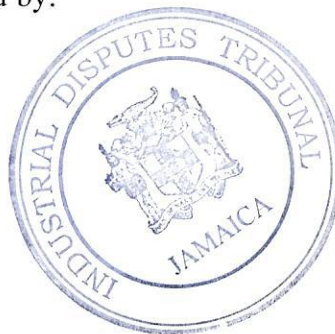
Mr. Lemar Neale	-	Attorney-at-Law
Ms. Kaseka Daley	-	Managing Director

The **Dismissed Worker** was represented by:

Mr. Josemar Belnavis	-	Attorney-at-Law
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In attendance

Ms. Ana-Kaye Dawkins	-	Dismissed Worker
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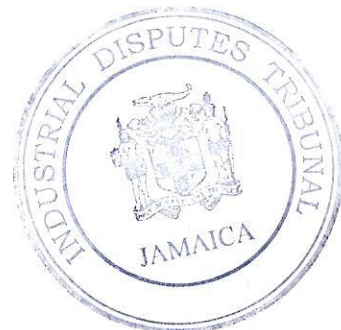
SUBMISSIONS AND SITTINGS:

1. Briefs were submitted by both parties and three (3) sittings were initially held between October 26, 2022 and November 21, 2022. In March 2023, Mr. Clinton Lewis, one of the Members that was selected to hear and settle the dispute died and as such, was replaced by Mrs. Chelsie Shellie-Vernon, Member.

2. The parties were written to in accordance with Section 8 (4) of the Labour Relations and Industrial Disputes Act (LRIDA) and informed that the matter will begin *de novo*. Subsequently, two sittings were held on March 15, 2023 and May 26, 2023.
3. At the 1st sitting of the Tribunal, the parties were encouraged to have discussions to see whether they could arrive at a settlement. The parties were a bit hesitant in having further discussions at the local level and indicated their preference for the dispute to be determined and settled by the Tribunal. However, by email dated May 22, 2023, the Company sought the assistance of the Tribunal in arriving at a settlement.

SETTLEMENT AGREEMENT:

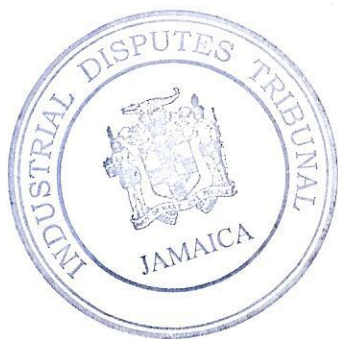
4. At the 2nd sitting of the Tribunal held on May 26, 2023, the Dismissed Worker and her Representative were informed of the request made by the Company. They were not averse to the Tribunal facilitating such discussions.
5. In accordance with the provisions of Section 12 (5) (b) of the Labour Relations and Industrial Disputes Act (LRIDA):
“Notwithstanding anything to the contrary, where any industrial dispute has been referred to the Tribunal-
(a) it may at any time after such reference encourage the parties to endeavour to settle the dispute by negotiation or conciliation and, if they agree to do so, may assist them in their attempt to do so;”
6. A Member of the Tribunal conciliated the dispute which resulted in an agreement being reached by both parties. The agreement forms the basis for this Award.




AWARD:

7. The attached Settlement Agreement dated 13th day of July, 2023 executed under the Signature of all parties to this dispute constitutes the Award.

DATED THIS 26th DAY OF JULY 2023





.....
Sharon Anderson
Chairman


.....
Errol Beckford
Member


.....
Chelsie Shellie-Vernon
Member

Witness:


.....
Royette Creary (Miss)
Secretary to the Division

SETTLEMENT AGREEMENT

This Settlement Agreement dated the 13th day of ~~June~~^{July}, 2023 is made between the following parties:

1. Ana-Kaye Dawkins of 110 Barbican Road, Kingston 8 in the parish of St. Andrew; and
2. Kaseka Daley t/a Iconic Travel and Events of 50 Greenwich Park, Ocho Rios, St. Andrew;

WHEREAS the dispute between Ana-Kaye Dawkins and Kaseka Daley t/a Iconic Travel having been referred by the Honourable Minister of Labour and Social Security to the Industrial Disputes Tribunal for settlement and following discussions between the parties, it is hereby mutually agreed that this matter be settled in the following terms:

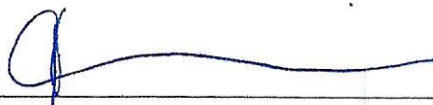
1. Ana-Kaye Dawkins is to be paid the total sum of JMD\$800,000.00, by Kaseka Daley t/a Iconic Travel and Events.
2. Payment of the said sum of JMD\$800,000.00 is to made to Ana-Kay Dawkins in the three installments as follows:
 - A. JMD\$275,000.00 on or before the 28th of July, 2023;
 - B. JMD\$275,000.00 on or before the 28th of August, 2023; and
 - C. JMD\$250,000.00 on or before the 28th of September, 2023.
3. Payment of the aforementioned sums shall be made by way of a Manager's Cheque in the name of Ana-Kaye Dawkins only or by way direct deposit to the annexed bank account.
4. If the Parties are desirous of changing or amending any of the terms of this Settlement Agreement, such changes or amendments must be agreed in writing, if they are likely to cause contention.

5. This Settlement Agreement is governed by the Laws of Jamaica.
6. This Agreement may be executed in counterparts.
7. The Parties agree that they have obtained independent legal advice on the terms herein and have freely signed or instructed their respective Attorneys-at-Law to sign this agreement on their behalf.

Signed by:



Ana-Kaye Dawkins
Events




Kaseka Daley t/a Iconic Travel and



Josemar A. Belnavis
Applicant's Attorney-At-Law

Josemar A. Belnavis
Attorney-at-Law
Att. No. 5462



LEMAR R. NEALE
Attorney-at-Law
Atty. No. 5199

Lemar Neale
Respondent's Attorney-At-Law